

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

Omaha District, South Dakota Regulatory Office
200530030

REGULATORY PROJECT MANAGER:

Andy Mitzel

Date: 2/17/2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office N (Y/N)

Date: _____

At the project site Y (Y/N) **Date:** 2/8/2005

PROJECT LOCATION INFORMATION:

State:

South Dakota

County:

Lincoln

Center coordinates of site by latitude & longitudinal coordinates:

Lat 43-27-56.0661 Long -96-49-07.8304

Approximate size of site/property (including uplands & in acres):

26.30 acres

Name of waterway or watershed:

Lower Big Sioux Watershed

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary ☒ Or Approved ☐.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The 26.30 acre site has historically been used for crop production, and contains 1 isolated wetland on the east side of the property. There is a PEMC (1.04 acres in size) wetland on the site. Aerial photographs (Late 1990's, 2001, & 2003), NWI data, Lincoln County SSURGO data/Hydric Soil list, were reviewed, in addition to a site visit, and no surface hydrological connection was found, nor were the wetlands adjacent to other water of the US (approximately 1200 linear feet to the closest jurisdictional water). No known interstate commerce connection is known to exist, and there is no reasonable potential for navigation on this wetland. On the west side of the property there is a jurisdictional stream (Ninemile Creek) that is a tributary to the Big Sioux River, an interstate water of the US.